

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	Crim. No. 01-455-A
)	Hon. Leonie M. Brinkema
ZACARIAS MOUSSAOUI)	

GOVERNMENT’S RESPONSE TO DEFENDANT’S
MOTION FOR INDEPENDENT FORENSIC EXAMINATION

Defendant has filed a motion for an independent forensic examination of his “belonging for the electronic surveillance device” (docket number 234). The United States does not oppose the defendant’s request to inspect items seized from him.

A number of items were seized from the defendant following his arrest on August 16, 2001, and the government intends to introduce a number of these items at trial in this case. Photographs of these items have been provided to the defense in discovery. Rule 16(a)(1)(C), Fed.R.Crim.Pro., provides that “[u]pon request of the defendant the government shall permit the defendant to inspect and copy or photograph . . . tangible objects . . . obtained from or belong[ing] to the defendant.”

The United States will make the items seized from the defendant available to a cleared expert of his or the Court's selection.¹ The United States will not relinquish custody of the evidence.

Respectfully Submitted,

Paul J. McNulty
United States Attorney

By: /s/
Robert A. Spencer
Kenneth M. Karas
David J. Novak
Assistant United States Attorneys

¹ The defendant has moved for "an independent examination," which we take to mean an examination by someone other than the defendant. If the defendant himself wants to examine the items seized from him, the items may be viewed by him, at the Alexandria Detention Center, subject to his conditions of confinement and attendant security concerns, as well as any other restrictions adopted by the United States to protect the integrity of the items at issue.

CERTIFICATE OF SERVICE

I certify that on July 1, 2002, a copy of the attached Government's Response to Defendant's Motion for Independent Forensic Examination was sent by hand delivery, via the United States Marshal's Service to:

Zacarias Moussaoui
Alexandria Detention Center
2001 Mill Road
Alexandria, Virginia 22314

I further certify that on the same day a copy of the attached Government's Response Defendant's Motion for Production was sent by facsimile and regular mail to:

Frank Dunham, Jr., Esq.
Office of the Federal Public Defender
1650 King Street
Suite 500
Alexandria, Virginia 22314
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/s/
Robert A. Spencer
Assistant U.S. Attorney